

AMENDED IN SENATE JANUARY 10, 2006

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 4, 2005

**SENATE BILL**

**No. 160**

**Introduced by Senator Cedillo**

February 8, 2005

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An act to amend Section 76300 of, and to add Sections 66021.6 and 69508.5 *Section 66021.6* to, the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 160, as amended, Cedillo. Student financial aid: eligibility: California Dream Act.

(1) Existing law requires that a person, other than a nonimmigrant alien as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempted from paying nonresident tuition at the California Community Colleges and the California State University.

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of

the University of California, by appropriate resolution, act to make a provision applicable.

This bill would enact the California Dream Act, which would require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and would request the Regents of the University of California, to establish procedures and forms that enable persons who are exempt from paying nonresident tuition under the provision described above, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law. This provision would apply to the University of California only if the regents, by appropriate resolution, act to make it applicable.

~~The California Dream Act would also provide that persons meeting these requirements, or who meet equivalent requirements adopted by the Regents of the University of California, are eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. The bill would provide, however, that this provision would not be operative unless and until the Executive Director of the Student Aid Commission certifies that federal legislation has been enacted that permits all persons who meet the criteria of this provision to be eligible for state-administered financial aid.~~

(2) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction, for prescribed fees, at community college campuses throughout the state. Existing law authorizes the waiver of these fees for, among others, students who are eligible under income standards established by the board of governors.

This bill would require that persons who are exempt from nonresident tuition under the provision described in (1) above receive the fee waiver under this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature hereby finds and declares all of the following:

(1) Some students cannot apply for financial aid in the traditional manner, through completion of the Free Application for Federal Student Aid (FAFSA), because they do not have the legal immigration status necessary for federal processing of the application.

(2) Section 66021.6 of the Education Code, as added by Section 2 of this act, does not grant these pupils any advantage over the student population as a whole in determining who qualifies for, or receives, financial aid.

(3) Increased access to financial aid for all students in California's universities and colleges increases the state's collective productivity and economic growth.

(4) Undocumented aliens who are exempt from nonresident tuition pursuant to Section 68130.5 of the Education Code are in a unique situation due to their residency status, and therefore they require increased attention so they may fulfill their academic goals.

(b) It is, therefore, the intent of the Legislature to address these issues by enacting the California Dream Act.

SEC. 2. This act shall be known and may be cited as the California Dream Act.

SEC. 3. Section 66021.6 is added to the Education Code, to read:

66021.6. Notwithstanding any other provision of law, the Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, establish procedures and forms that enable persons who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law.

~~SEC. 4. Section 69508.5 is added to the Education Code, to read:~~

~~69508.5. (a) Notwithstanding any other provision of law, a person who meets the requirements of subdivision (a) of Section~~

~~68130.5, or who meets equivalent requirements adopted by the Regents of the University of California, is eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law.~~

~~(b) This section shall not become operative unless and until the Executive Director of the Student Aid Commission certifies that federal legislation has been enacted that permits all persons who meet the criteria of this section to be eligible for state-administered financial aid.~~

~~SEC. 5. Section 76300 of the Education Code is amended to read:~~

~~76300. (a) The governing board of each community college district shall charge each student a fee pursuant to this section.~~

~~(b) (1) The fee prescribed by this section shall be eighteen dollars (\$18) per unit per semester, effective with the fall term of the 2003-04 academic year.~~

~~(2) Notwithstanding paragraph (1), the fee prescribed by this section shall be twenty-six dollars (\$26) per unit per semester, effective with the fall term of the 2004-05 academic year.~~

~~(3) The chancellor shall proportionately adjust the amount of the fee for term lengths based upon a quarter system and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the chancellor may round the per unit fee and the per term or per session fee to the nearest dollar.~~

~~(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750, the chancellor shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.~~

~~(d) The chancellor shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.~~

~~(e) The fee requirement does not apply to any of the following:~~

~~(1) Students enrolled in the noncredit courses designated by Section 84757.~~

~~(2) California State University or University of California students enrolled in remedial classes provided by a community~~

1 college district on a campus of the University of California or a  
2 campus of the California State University, for whom the district  
3 claims an attendance apportionment pursuant to an agreement  
4 between the district and the California State University or the  
5 University of California.

6 ~~(3) Students enrolled in credit contract education courses~~  
7 ~~pursuant to Section 78021, if the entire cost of the course,~~  
8 ~~including administrative costs, is paid by the public or private~~  
9 ~~agency, corporation, or association with which the district is~~  
10 ~~contracting and if these students are not included in the~~  
11 ~~calculation of the full-time equivalent students (FTES) of that~~  
12 ~~district.~~

13 ~~(f) The governing board of a community college district may~~  
14 ~~exempt special part-time students admitted pursuant to Section~~  
15 ~~76001 from the fee requirement.~~

16 ~~(g) (1) The fee requirements of this section shall be waived~~  
17 ~~for any student who, at the time of enrollment, is a recipient of~~  
18 ~~benefits under the Temporary Assistance to Needy Families~~  
19 ~~program, the Supplemental Security Income/State Supplementary~~  
20 ~~Program, or a general assistance program or has demonstrated~~  
21 ~~financial need in accordance with the methodology set forth in~~  
22 ~~federal law or regulation for determining the expected family~~  
23 ~~contribution of students seeking financial aid.~~

24 ~~(2) The governing board of a community college district also~~  
25 ~~shall waive the fee requirements of this section for any student~~  
26 ~~who demonstrates eligibility according to income standards~~  
27 ~~established by the board of governors.~~

28 ~~(h) The fee requirements of this section shall be waived for~~  
29 ~~any student who, at the time of enrollment is a dependent, or~~  
30 ~~surviving spouse who has not remarried, of any member of the~~  
31 ~~California National Guard who, in the line of duty and while in~~  
32 ~~the active service of the state, was killed, died of a disability~~  
33 ~~resulting from an event that occurred while in the active service~~  
34 ~~of the state, or is permanently disabled as a result of an event that~~  
35 ~~occurred while in the active service of the state. "Active service~~  
36 ~~of the state," for the purposes of this subdivision, refers to a~~  
37 ~~member of the California National Guard activated pursuant to~~  
38 ~~Section 146 of the Military and Veterans Code.~~

39 ~~(i) The fee requirements of this section shall be waived for any~~  
40 ~~student who is the surviving spouse or the child, natural or~~

1 adopted, of a deceased person who met all of the requirements of  
2 Section 68120.

3 (j) ~~The fee requirements of this section shall be waived for any~~  
4 ~~student in an undergraduate program, including a student who~~  
5 ~~has previously graduated from another undergraduate or graduate~~  
6 ~~program, who is the dependent of any individual killed in the~~  
7 ~~September 11, 2001, terrorist attacks on the World Trade Center~~  
8 ~~and the Pentagon or the crash of United Airlines Flight 93 in~~  
9 ~~southwestern Pennsylvania, if that dependent meets the financial~~  
10 ~~need requirements set forth in Section 69432.7 for the Cal Grant~~  
11 ~~A Program and either of the following apply:~~

12 (1) ~~The dependent was a resident of California on September~~  
13 ~~11, 2001.~~

14 (2) ~~The individual killed in the attacks was a resident of~~  
15 ~~California on September 11, 2001.~~

16 (k) ~~A determination of whether a person is a resident of~~  
17 ~~California on September 11, 2001, for purposes of subdivision (j)~~  
18 ~~shall be based on the criteria set forth in Chapter 1 (commencing~~  
19 ~~with Section 68000) of Part 41 for determining nonresident and~~  
20 ~~resident tuition.~~

21 (l) (1) ~~“Dependent,” for purposes of subdivision (j), is a~~  
22 ~~person who, because of his or her relationship to an individual~~  
23 ~~killed as a result of injuries sustained during the terrorist attacks~~  
24 ~~of September 11, 2001, qualifies for compensation under the~~  
25 ~~federal September 11th Victim Compensation Fund of 2001~~  
26 ~~(Title IV (commencing with Section 401) of Public Law 107-42).~~

27 (2) ~~A dependent who is the surviving spouse of an individual~~  
28 ~~killed in terrorist attacks of September 11, 2001, is entitled to the~~  
29 ~~waivers provided in this section until January 1, 2013.~~

30 (3) ~~A dependent who is the surviving child, natural or adopted,~~  
31 ~~of an individual killed in the terrorist attacks of September 11,~~  
32 ~~2001, is entitled to the waivers under subdivision (j) until that~~  
33 ~~person attains the age of 30 years.~~

34 (4) ~~A dependent of an individual killed in the terrorist attacks~~  
35 ~~of September 11, 2001, who is determined to be eligible by the~~  
36 ~~California Victim Compensation and Government Claims Board,~~  
37 ~~is also entitled to the waivers provided in this section until~~  
38 ~~January 1, 2013.~~

39 (m) (1) ~~It is the intent of the Legislature that sufficient funds~~  
40 ~~be provided to support the provision of a fee waiver for every~~

1 student who demonstrates eligibility pursuant to subdivisions (g)  
2 to (j), inclusive.

3 ~~(2) From funds provided in the annual Budget Act, the board~~  
4 ~~of governors shall allocate to community college districts,~~  
5 ~~pursuant to this subdivision, an amount equal to 2 percent of the~~  
6 ~~fees waived pursuant to subdivisions (g) to (j), inclusive. From~~  
7 ~~funds provided in the annual Budget Act, the board of governors~~  
8 ~~shall allocate to community college districts, pursuant to this~~  
9 ~~subdivision, an amount equal to ninety-one cents (\$0.91) per~~  
10 ~~credit unit waived pursuant to subdivisions (g) to (j), inclusive,~~  
11 ~~for determination of financial need and delivery of student~~  
12 ~~financial aid services, on the basis of the number of students for~~  
13 ~~whom fees are waived. Funds allocated to a community college~~  
14 ~~district for determination of financial need and delivery of~~  
15 ~~student financial aid services shall supplement, and shall not~~  
16 ~~supplant, the level of funds allocated for the administration of~~  
17 ~~student financial aid programs during the 1992-93 fiscal year.~~

18 ~~(n) A person who is exempt from paying nonresident tuition~~  
19 ~~under Section 68130.5, and who otherwise qualifies for a waiver~~  
20 ~~under this section, shall receive the waiver. The Legislature finds~~  
21 ~~and declares that this subdivision is a state law within the~~  
22 ~~meaning of subsection (d) of Section 1621 of Title 8 of the~~  
23 ~~United States Code.~~

24 ~~(o) The board of governors shall adopt regulations~~  
25 ~~implementing this section.~~

26 *SEC. 4. Section 76300 of the Education Code is amended to*  
27 *read:*

28 76300. (a) The governing board of each community college  
29 district shall charge each student a fee pursuant to this section.

30 (b) (1) The fee prescribed by this section shall be twenty-six  
31 dollars (\$26) per unit per semester, effective with the fall term of  
32 the 2004-05 academic year.

33 (2) The board of governors shall proportionately adjust the  
34 amount of the fee for term lengths based upon a quarter system,  
35 and also shall proportionately adjust the amount of the fee for  
36 summer sessions, intersessions, and other short-term courses. In  
37 making these adjustments, the board of governors may round the  
38 per unit fee and the per term or per session fee to the nearest  
39 dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.

(d) The board of governors shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.

(e) The fee requirement does not apply to any of the following:

(1) Students enrolled in the noncredit courses designated by Section 84757.

(2) California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program, or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(2) The governing board of a community college district also shall waive the fee requirements of this section for any student



1 who demonstrates eligibility according to income standards  
2 established by regulations of the board of governors.

3 (3) Paragraphs (1) and (2) may be applied to a student enrolled  
4 in the 2005-06 academic year if the student is exempted from  
5 nonresident tuition under paragraph (3) of subdivision (a) of  
6 Section 76140.

7 (h) The fee requirements of this section shall be waived for  
8 any student who, at the time of enrollment, is a dependent, or  
9 surviving spouse who has not remarried, of any member of the  
10 California National Guard who, in the line of duty and while in  
11 the active service of the state, was killed, died of a disability  
12 resulting from an event that occurred while in the active service  
13 of the state, or is permanently disabled as a result of an event that  
14 occurred while in the active service of the state. "Active service  
15 of the state," for the purposes of this subdivision, refers to a  
16 member of the California National Guard activated pursuant to  
17 Section 146 of the Military and Veterans Code.

18 (i) The fee requirements of this section shall be waived for any  
19 student who is the surviving spouse or the child, natural or  
20 adopted, of a deceased person who met all of the requirements of  
21 Section 68120.

22 (j) The fee requirements of this section shall be waived for any  
23 student in an undergraduate program, including a student who  
24 has previously graduated from another undergraduate or graduate  
25 program, who is the dependent of any individual killed in the  
26 September 11, 2001, terrorist attacks on the World Trade Center  
27 and the Pentagon or the crash of United Airlines Flight 93 in  
28 southwestern Pennsylvania, if that dependent meets the financial  
29 need requirements set forth in Section 69432.7 for the Cal Grant  
30 A Program and either of the following applies:

31 (1) The dependent was a resident of California on September  
32 11, 2001.

33 (2) The individual killed in the attacks was a resident of  
34 California on September 11, 2001.

35 (k) A determination of whether a person is a resident of  
36 California on September 11, 2001, for purposes of subdivision (j)  
37 shall be based on the criteria set forth in Chapter 1 (commencing  
38 with Section 68000) of Part 41 for determining nonresident and  
39 resident tuition.

(l) (1) “Dependent,” for purposes of subdivision (j), is a person who, because of his or her relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains the age of 30 years.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation and Government Claims Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.

(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive, for determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992-93 fiscal year.

(n) *A person who is exempt from paying nonresident tuition under Section 68130.5, and who otherwise qualifies for a waiver under this section, shall receive the waiver. The Legislature finds*

1 *and declares that this subdivision is a state law within the*  
2 *meaning of subsection (d) of Section 1621 of Title 8 of the United*  
3 *States Code.*

4 (o) The board of governors shall adopt regulations  
5 implementing this section.

O